



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

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OFFICE OF
ECOSYSTEMS, TRIBAL AND
PUBLIC AFFAIRS

August 29, 2012

Douglas P. DeMaster
ATTN: Steven K. Davis
NOAA National Marine Fisheries Service
709 W. 9th Street
P.O. Box 21668
Juneau, Alaska 99802-1668

Re: EPA Comments on the Environmental Impact Statement for Issuing Annual Quotas to the Alaska Eskimo Whaling Commission for a Subsistence Hunt on Bowhead Whales for the Years 2013-2017/2018, EPA Project Number 12-0030-NOA.

Dear Mr. DeMaster:

The U.S. Environmental Protection Agency has reviewed the above-referenced Environmental Impact Statement (CEQ No. 20120184) in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act. Section 309, independent of NEPA, specifically directs EPA to review and comment in writing on the environmental impacts associated with all major federal actions. Under our policies and procedures we evaluate the document's adequacy in meeting NEPA requirements.

The EIS proposes to issue annual quotas to the Alaska Eskimo Whaling Commission (AEWC) to allow continuation of its subsistence hunt for bowhead whales from the Western Arctic stock. The proposed action would allow the National Marine Fisheries Service (NMFS) to fulfill its Federal trust responsibilities to Alaskan Natives, and to ensure that any aboriginal subsistence hunt of whales does not adversely affect the conservation of the Western bowhead whale stocks.

We have assigned a rating of LO (Lack of Objections) to the draft EIS. A copy of the rating system used in conducting our review is enclosed for your reference. We believe that the EIS analyzes an adequate range of alternatives that provides for the subsistence needs of the AEWC communities while ensuring adequate protection for the bowhead population. The EIS also presents sufficient discussion of the potential impacts associated with each alternative.

Thank you for the opportunity to review this draft EIS. If you would like to discuss these issues, please contact me at (206) 553-1601 or by email at reichgott.christine@epa.gov, or you may contact Jennifer Curtis of my staff in Anchorage at (907) 271-6324 or by email at curtis.jennifer@epa.gov.

Sincerely,

A handwritten signature in blue ink that reads "Christine B. Reichgott". The signature is written in a cursive style with a large, stylized "R" and a double checkmark at the end.

Christine B. Reichgott, Manager
Environmental Review and Sediment Management Unit

Enclosure

**U.S. Environmental Protection Agency Rating System for
Draft Environmental Impact Statements
Definitions and Follow-Up Action***

Environmental Impact of the Action

LO – Lack of Objections

The U.S. Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC – Environmental Concerns

EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO – Environmental Objections

EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU – Environmentally Unsatisfactory

EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 – Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 – Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 – Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.